

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DENNIS DIMON,

Plaintiff,

VS.

C. A. No: 05-11073 NG

**METROPOLITAN LIFE
INSURANCE COMPANY, KEMPER
INSURANCE COMPANY,
MORGAN STANLEY DW, INC.,
MICHAEL B. LATTI, LATTI
ASSOCIATES, and LATTI &
ANDERSON LLP,**

Defendants.

**METROPOLITAN LIFE INSURANCE COMPANY'S
MOTION IN LIMINE TO DEEM ADMITTED THAT
DEAN WITTER REYNOLDS IS NOW MORGAN STANLEY, INC.**

Defendant, Metropolitan Life Insurance Company (hereinafter “MetLife”), moves for an Order deeming admitted the fact that Dean Witter Reynolds (“Dean Witter”) is now Morgan Stanley, Inc. (hereinafter “Morgan Stanley”).

In 1983, Mr. Dimon's attorneys Latti Associates obtained quotations from Dean Witter, a retail stock brokerage firm, regarding the cost of certain annuities. MetLife asks the Court to take judicial notice of the fact that in 1997 Dean Witter merged with the brokerage firm of Morgan Stanley. The resulting company was initially named Morgan Stanley D.W., Inc. The company now does business as Morgan Stanley, Inc.

Therefore, MetLife seeks an order from this Court deeming as admitted the fact that Dean Witter is now Morgan Stanley and that, as such, Plaintiff's claims against Morgan Stanley are those that he would have had against Dean Witter.

WHEREFORE, Metropolitan Life Insurance Company prays that this Court issue an Order deeming admitted at the Trial of this matter the fact that Dean Witter Reynolds is now Morgan Stanley, Inc.

REQUEST FOR ORAL ARGUMENT

MetLife respectfully requests pursuant to Local Rule 7.1(D) that the Court schedule this matter for oral argument. Oral argument will assist the Court in making its decision on MetLife's Motion.

Respectfully submitted by:

Defendant,

METROPOLITAN LIFE INSURANCE
COMPANY,

By its Attorneys,

/s/ James J. Ciapciak
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on May 12, 2008.

/s/ James J. Ciapciak
James J. Ciapciak